

## **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action.

### Status of the Claims

Claims 1-20 are pending. Claims 1-11 are currently amended. No claims are canceled. Claims 12-20 are added. No new matter has been added.

### Summary of the Office Action

Claims 1-11 stand objected to because of informalities.

Claims 4-11 stand objected under 37 CFR 1.75(c) as being in improper form because of multiple dependent claims.

Claims 1-3 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention.

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 2,684,173 to Schmitz (hereinafter "Schmitz")

### Response to Objections

Claim 1-11 stand objected to because of informalities. In particular, the Examiner states that the claimed preamble for claims 1-2 should read -- A method --; and the claimed preamble for claims 3-11 should read -- The method --.

Applicant respectfully submits that claims 1-11 have been amended to recite "a method," and "The method." Applicant appreciates the Examiner's recommendation and respectfully requests that the objection to claims 1-11 be withdrawn.

Claims 4-11 stands objected to under 37 C.F.R. 1.75(c) as being in improper form because multiple dependent claims. Applicant respectfully submits that claims 4-11 have been amended to remove multiple dependent claims. Applicant respectfully requests that the objection to claims 4-11 be withdrawn.

Response to Rejections under 35 U.S.C. § 112, second paragraph

The Examiner rejected claims 1-3 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention. Applicant respectfully submits that claims 1 and 2 have been amended to recite “peripheral wall portions,” instead of “the peripheral wall portions.” Claims 1 and 2 have been amended to recite “a side,” instead of “the side.” Claims 1 and 2 have been amended to recite “gap, having a width greater than a minimum width, exists” to further clarify the preexisting claim limitation. Accordingly, Applicant requests that the rejection of claims 1-3 under 35 U.S.C. § 112, second paragraph be withdrawn.

Response to Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as allegedly being anticipated by Schmitz. Applicant respectfully requests withdrawal of these rejections because the cited reference fails to disclose all of the limitations of the claims.

CLAIMS 1 and 12-20

Claim 1 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Schmitz. Applicant respectfully submits that claim 1 is patentable over the cited reference because Schmitz does not disclose all of the limitations of the claim. In particular, Applicant respectfully submits that Schmitz fails to disclose at least the limitation of “**forming into a side of the tubular segments opposite to the flanges a notch of a predetermined width at least at a location of said contacting flanges where a gap, having a width greater than a minimum width, exists,**” as recited in claim 1.

Schmitz, which is directed to a storage tank support structure, discloses that the shell of the tank includes generally-curved rectangular shaped plates 6 assembled in line circumferentially with one row of plates superimposed above the other. Schmitz, col. 2, lines 19-23, 29-33. Schmitz discloses that the plates are secured together along their horizontal and vertical seams by welds, and the horizontal welds are braced by T-shaped

beams, and the tank is additionally braced by I-beam members 10, which extend vertically of the shell substantially from top to bottom thereof along vertical weld seams 8. *Id.* at lines 33-47. The Examiner alleges that the cited reference discloses “forming into a side of the tubular segments opposite to the flanges a notch of predetermined width,” citing to elements 8 between plates 6 and 6’. Office Action, page 3. The Examiner, however, seems to ignore the language of the cited reference that describes element 8. Schmitz describes the element 8 as the welds along the vertical seams. Schmitz, col. 2, lines 33-35. In contrast, claim 1 recites “**forming into a side of the tubular segments opposite to the flanges a notch of a predetermined width.**” Nothing in Schmitz discloses forming a notch of a predetermined width into a side of the plates (alleged tubular segments) opposite to the I-beams (alleged flanges), but rather expressly discloses welding the two plates together along the vertical seams. Welding a seam does not constitute forming a notch into a side of the tubular segments.

Moreover, Applicant respectfully submits that claim 1 expressly recites “forming ... a notch ... **at least at a location of said contacting flanges where a gap, having a width greater than a minimum width, exists.**” Not only does Schmitz fail to disclose forming a notch, but also forming a notch “at least at a location of said contacting flanges where a gap, having a width greater than a minimum width, exists,” as required by the claim.

For the reasons stated above, Schmitz fails to disclose all of the limitations of claim 1. Given that the cited reference fails to disclose all of the limitations of the claim, Applicant respectfully submits that claim 1 is patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Given that claims 12-20 depend from independent claim 1, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 12-20 are also patentable over the cited reference.

## CLAIMS 2-11

Claim 2 stands rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Schmitz. Applicant respectfully submits that claim 2 is patentable over the cited

reference for similar reasons as described above with respect to claim 1. Accordingly, Applicant requests that the rejection of claim 2 under 35 U.S.C. § 102(b) be withdrawn.

Given that claims 3-11 depend from independent claim 2, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 3-11 are also patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 3 under 35 U.S.C. § 102(b).

## CONCLUSION

It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections and objections have been overcome. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Kevin Grange at (408) 720-8300.

If there are any additional charges, please charge them to Deposit Account No. 02-2666.

Respectfully submitted,

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Date: June 30, 2009

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